Shaw Conspiracy Trial To Hear FBI Witness

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The Justice Department agreed yesterday to let an FBI agent testify in District Attorney Jim Garrison's prosecution of a New Orleans businessman for allegedly conspiring to assassinate President Kennedy.

The decision late Thursday by Attorney General John Mitchell was embodied in a consent order signed yesterday, which freed FBI agent Lyndal L. Shaneyfelt to appear as a witness in the trial of Clay L. Shaw.

Shaneyfelt's testimony before the Warren Commission supported its finding that one man fired the shots that killed President Kennedy.

Justice Department sources refused to term the decision a change in policy regarding Federal cooperation in the Garrison inquiry.

However, in the two years Garrison has been investigating the alleged conspiracy, and while President Johnson was in the White House, the Department turned aside the prosecutor's informal request for help.

The sources said Mitchell based his decision on Shaneyfelt's having testified before the Warren Commission, noting that all he said is a matter of public record; and "on his (Mitchell's) desire to cooperate with the State."

Mitchell's decision did not offset Garrison's request for assassination evidence held in the National Archives, Department officials said.

A spokesman for Sen. Edward M. Kennedy (D-Mass.) said there would be no comment on the decision. Justice officials said the Kennedy family was not notified of the action.

Shaneyfelt was the agent who determined the speed at which an amateur photographer, Abraham Zapruder, filmed the Kennedy assassination.

The agent's finding that Zapruder's camera ran at an average speed of 19.3 frames per second permitted the thesis that Kennedy's assassin had time to fire three shots.

Garrison has attacked the finding and said in his request for Shaneyfelt's appearance that the film tends "to show President Kennedy was struck by bullets fired by more than one individual."

Justice Department sources declined to say whether the decision on Shaneyfelt, handled in Fairfax County Circuit Court, would apply to two Maryland residents whom Garrison wants to testify.

The two, FBI agent Robert A. Frazier, of Hillcrest Heights, and former Secret Service agent Roy Kellerman, of Bethesda, are to have hearings Tuesday and Wednesday before Circuit Court judges in Prince George's and Montgomery counties respectively.

Frazier had been scheduled for a Circuit Court appearance yesterday but it was postponed until Tuesday without explanation by State's Attorney Arthur Marshall.

The order sending Shaneyfelt to New Orleans was signed at 5:45 p.m. by Fairfax County Senior Judge Arthur W. Sinclair after telephone conferences between Justice Department lawyers and Commonwealth's Attorney Robert F. Horan.

At the trial in New Orleans, two more jurors qualified for duty, making a total of eight, as the prosecution and defense exhausted the initial supply of 169 candidates.